

OIL REGION NATIONAL HERITAGE AREA ACT

NOVEMBER 17, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1862]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1862) to establish the Oil Region National Heritage Area, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “Oil Region National Heritage Area Act”.

(b) DEFINITIONS.—For the purposes of this Act, the following definitions shall apply:

(1) HERITAGE AREA.—The term “Heritage Area” means the Oil Region National Heritage Area established in section 3(a).

(2) MANAGEMENT ENTITY.—The term “management entity” means the Oil Heritage Region, Inc., or its successor entity.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake’s drilling of the world’s first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102-271, traverses the Oil

Region and connects several of its major sites, as do some of the river's tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, local subdivisions of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) PURPOSE.—The purpose of this Act is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

SEC. 3. OIL REGION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Oil Region National Heritage Area.

(b) BOUNDARIES.—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled "Oil Region National Heritage Area", numbered OIRE/20,000 and dated October, 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 5(b).

SEC. 4. COMPACT.

To carry out the purposes of this Act, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may use funds made available under this Act for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

- (1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;
- (2) hiring and compensating staff; and
- (3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that—

- (1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;
- (2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;
- (3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;
- (4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;
- (5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes

of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(6) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(7) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(8) includes an interpretation plan for the Heritage Area.

(c) DEADLINE; TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this Act.

(2) TERMINATION OF FUNDING.—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this Act.

(d) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this Act;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—

(A) OVERALL ASSISTANCE.—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this Act, including updating and implementing a management plan that is submitted under section 5(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) OTHER ASSISTANCE.—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this Act (including updating and implementing a management plan that is submitted under section 5(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) **PRIORITY.**—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

- (A) implementation of the management plan;
- (B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;
- (C) development and application of techniques promoting the preservation of cultural and historic properties;
- (D) preservation, restoration, and reuse of publicly and privately owned historic buildings;
- (E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audio-visual and interactive exhibits, and educational curriculum materials for public education; and
- (F) implementation of initiatives prior to approval of the management plan.

(3) **DOCUMENTATION OF STRUCTURES.**—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

(b) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.**—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

- (1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.
- (2) The level of public participation in the development of the management plan.
- (3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) **APPROVING CHANGES.**—The Secretary shall review and approve amendments to the management plan under section 5(b) that make substantial changes. Funds appropriated under this Act may not be expended to implement such changes until the Secretary approves the amendments.

(e) **EFFECT OF INACTION.**—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

SEC. 7. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

- (1) consult with the Secretary and the management entity with respect to such activities;
- (2) cooperate with the Secretary and the management entity in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and
- (3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

SEC. 8. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after the expiration of the 15-year period beginning on the date that funds are first made available for this Act.

SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 10. PRIVATE PROPERTY PROTECTION.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this Act shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this Act shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this Act may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this Act shall preclude the management entity from using Federal funds available under Acts other than this Act for the purposes for which those funds were authorized.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act—

(1) not more than \$1,000,000 for any fiscal year; and

(2) not more than a total of \$10,000,000.

(b) **50 PERCENT MATCH.**—Financial assistance provided under this Act may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

PURPOSE OF THE BILL

The purpose of H.R. 1862 is to establish the Oil Region National Heritage Area in Northwestern Pennsylvania.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1862 would establish the Oil Region National Heritage Area in Venango County and in part of Crawford Counties of Pennsylvania. This area was originally created as a State Heritage Area to preserve the Oil Creek Gorge area, the heart of the early oil period where many oil boomtowns originated due to oil discoveries, and then diminished in size when oil production declined. During the late 1980s, local leaders in the town of Titusville, Pennsylvania, home of the first oil drilling site in North America, were looking for a way to attract more tourists to the region. The leaders decided to promote the area's oil heritage, and began to lobby the State of Pennsylvania for its designation as a State Heritage Area. In 1994, Governor Robert P. Casey designated an area consisting of approximately 7,075 acres as the Oil Region Heritage Park. The Park is located in all of Venango County, and also includes the City of Titusville and Oil Creek Township in Crawford County's eastern corner. In 1998, the non-profit corporation Oil Heritage Region, Inc. was established. The Oil Heritage Region, Inc.'s primary role is the planning and development of the park's infrastructure, including

improvements which help promote tourism, recreation, and the development of cultural facilities. Past projects have included the development of a trails system for outdoor recreation, the design of an educational program about the region, and the promotion of new tourist attractions.

H.R. 1862 establishes the Oil Region National Heritage Area in order to enhance the cooperative framework to improve and interpret the significant resources in the Oil Region. The Oil Heritage Region, Inc. would remain the management entity of the Area and work with the Secretary of the Interior for the further development of the region. The management entity would be responsible for the development of a management plan and completing an inventory of the resources contained in the area. Appropriations for this bill are authorized as no more than \$1,000,000 per year and shall not be more than \$10,000,000 total. H.R. 1862 also provides that Federal financial assistance shall not be more than 50 percent of the total cost of any activity carried out with that assistance.

COMMITTEE ACTION

H.R. 1862 was introduced on April 29, 2003, by Congressman John Peterson (R-PA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On September 16, 2003, the Subcommittee held a hearing on the bill. On October 21, 2003, the Subcommittee met to mark up the bill. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute that required that private landowners whose property is located within the boundary of the heritage area have their property excluded from within the boundary upon written request to the management entity. The amendment also required that the owner of any private property located within the boundary of the heritage area be contacted in writing and provided written consent for such inclusion if his property is to be governed by the management plan for the heritage area. The amendment was agreed to by unanimous consent. The bill, as amended, was then forwarded to the Full Resources Committee by unanimous consent. On October 29, 2003, the Full Resources Committee met to consider the bill. Mr. Radanovich offered an amendment in the nature of a substitute to further refine the private property rights protections in the bill. The amendment was agreed to by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and article IV, section 3, of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Oil Region National Heritage Area in Northwestern Pennsylvania.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 10, 2003.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1862, the Oil Region National Heritage Area Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 1862—Oil Region National Heritage Area Act

H.R. 1862 would establish the Oil Region National Heritage Area (NHA) in northwestern Pennsylvania. The bill would designate the Oil Heritage Region, Inc., as the management entity for the proposed NHA. Under the bill, the nonprofit corporation would develop a management plan to identify strategies for preserving, funding, managing, and developing the proposed NHA. The Department of the Interior would provide technical and financial assistance to the corporation and would conduct historical research. For these purposes, the bill would authorize the appropriation of \$10 million, not to exceed \$1 million annually.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 1862 would cost \$10 million over the next 10 to 15 years. Such amounts would be used to cover a portion

of the costs of establishing, operating, and interpreting the heritage area. Enacting H.R. 1862 would have no effect on revenues or direct spending.

H.R. 1862 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

